

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RALPH BUCK PHILLIPS,

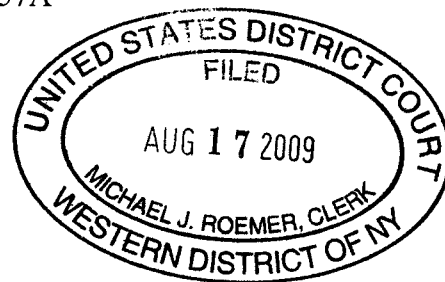
Plaintiff,

-v-

GLENN GOOR, Previous Commissioner,
Department of Correctional Services (D.O.C.S.), et al.,

Defendants.

DECISION AND ORDER
08-CV-0957A



By Order dated, July 16, 2009, the Court, in part, directed the Chemung County Attorney's Office to attempt to ascertain the name and address for service of defendant "Ann Doe" whom is identified in the amended complaint as a Nurse at the Chemung County Jail on or about September 11, 2006 and thereafter whom plaintiff asked to address his medication needs for his chronic back pain. By counsel, the Chemung County Attorney's Office responded to the Order on July 29, 2009, and advised the Court that the only nurse employed at the Chemung County Jail with the first name of "Ann" is Ann Daniels and that she can be served at the Chemung County Correctional Facility, 211 William Street, P.O. Box 588, Elmira, NY 14902-0588.

Accordingly, the Clerk of the Court is directed to both amend the caption of this action by replacing defendant "Ann Doe, Nurse," with "Ann Daniels, Nurse," and cause the United States Marshals Service to serve copies of the Summons, Amended Complaint (Docket No. 9), and this Order upon Ann Daniels at the Chemung County Correctional Facility, 211 William Street, P.O. Box 588, Elmira, NY 14902-0588, without's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendant is directed to answer the amended complaint.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "David G. Larimer", written over a horizontal line.

DAVID G. LARIMER
United States District Judge

DATED: October 17, 2009
Rochester, New York